

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT DIVISION FOUR

IN THE MATTER OF THE ADOPTION)	No. ED101311
OF E.N.C.,)	
)	
Minor.)	Appeal from the Circuit Court
)	of St. Louis County
)	
)	Honorable John D. Warner, Jr.
)	
)	
)	FILED: December 9, 2014

S.M.C.Q. ("Mother") and her husband, M.P.Q. ("Adoptive Father"), appeal from the trial court's judgment allowing a biological paternal grandmother, C.L. ("Grandmother"), to intervene in the case of 10-year-old E.N.C.'s ("Child") adoption and be granted legal visitation with Child on approximately 19 days during the year. Because the law does not allow for third-party intervention in an uncontested step-parent adoption case with no visitation or custody at issue, the judgment erroneously declares and applies the law.

REVERSED and REMANDED.

Division Four Holds: The guardian ad litem's cross-petition for declaration of paternity should have been dismissed because the parties' paternity action had been dismissed with prejudice and the biological father had given his consent to the step-parent adoption. Because this case was filed as an adoption case pursuant to Chapter 453 rather than a dissolution case pursuant to Chapter 452, Grandmother did not have standing through previous custody or court-ordered visitation, nor did she have an interest to be added as a party. The trial court abused its discretion in permitting Grandmother to intervene, pursuant to the dissolution statute Section 452.375, which allows for third-party intervention, in an uncontested step-parent adoption case that did not raise issues of custody or visitation. We reverse and remand with directions that the trial court dismiss the GAL's cross-petition and Grandmother's motions to intervene in this case.

Opinion by: Roy L. Richter, J.
Patricia L. Cohen, P.J., and Robert M. Clayton III, J., concur.

Attorney for Appellant: Michael D. Quinlan,

Attorney for Respondent: Susan Ehrenwerth Block, Lisa Moore, Alan E. Freed

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
